

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. **SALVADOR FRANCO-GOMEZ,**

Petitioner,

v.

1. **KRISTI L. NOEM, Secretary of Department of Homeland Security;**
2. **JOSHUA JOHNSON, Immigration and Customs Enforcement, Enforcement and Removal Operations; Dallas Field Office Director;**
3. **VIC REGLADO, Tulsa County Sheriff;**
4. **TULSA COUNTY CRIMINAL JUSTICE AUTHORITY;**

No. 25-cv-00243 -CVE-MTS

Respondents.

**APPLICATION FOR ISSUANCE OF ORDER FOR RESPONDENTS TO
SHOW CAUSE PURSUANT TO 28 U.S.C. § 2243**

1. Pursuant to 28 U.S.C. § 2243, **SALVADOR FRANCO-GOMEZ** (“Mr. Franco” or “Petitioner”), **who has committed no crimes and has no criminal convictions**, respectfully requests that this Court “forthwith” issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner, a citizen of Mexico who was previously granted bail by an immigration court in 2012 and has been pending a hearing for an adjustment of his residence status. *See Petition for Writ of Habeas Corpus.* [Doc. 1].
3. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
4. Section 2243 further provides that the writ or order to show cause “shall be returned within three (3) days unless for good cause additional time, not exceeding twenty days, is allowed.”
5. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
6. In addition, Section 2243 states that the court “shall summarily hear and determine the facts and dispose of the matter as law and justice require.”
7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three (3) days of the Court’s order, showing cause, if any,

why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within two (2) days after Respondent(s) file the return.

8. Giving Respondent(s) additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to, as the undersigned has been advised, could be removed without notice to Texas as early as this weekend from local immigration custody in the David L. Moss Correctional Facility (“Tulsa County Jail”), and then moved from jail-to-jail to ensure he has no opportunity to have contact with counsel or family. If Petitioner is removed to Texas and then removed to Mexico, while his current immigration hearing remains pending, there is a high likelihood that **Petitioner will not be given any due process**. Courts around the United States have already granted relief based on similar circumstances.

Respectfully submitted,

/s/ Robert Don Gifford
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Pro Bono Attorney for the Petitioner

Certificate of Service

This is to certify that on May 16, 2025, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a notice of electronic filing to counsel of record. In addition, the document was emailed to the U.S. Attorney's Office to attorneys assigned to the civil division (Marianne Hardcastle) and appellate division (Leena Alam).

In addition, Respondent Joshua Johnson, the Acting Field Office Director (ICE/Enforcement and Removal Operations) with the Dallas Field Office has also received this and the habeas petition at Joshua.D.Johnson@ice.dhs.gov as well as the elected District Attorney for Tulsa County Steve Kunzweiler at skunzweiler@tulsacounty.org and his First Assistant Kevin Gray at kgray@tulsacounty.org.

/s/ Robert "Bobby Don" Gifford, II

ROBERT D. GIFFORD, II